United Nations A/HRC/39/NGO/22

General Assembly

Distr.: General
3 September 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Christian Solidari y Worldwide, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14494(E)

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Situation of Freedom of Religion or Belief in Viet Nam

1. CSW (Christian Solidarity Worldwide) seeks to draw the Council's attention to the situation of freedom of religion or belief (FoRB) and other human rights issues in the Socialist Republic of Viet Nam.

2. CSW continues to receive reports of violations against every major religious community in Viet Nam, including Buddhists, Catholics, Cao Daists, Hoa Hao Buddhists and Protestants. Violations include harassment, intimidation, forced eviction, intrusive surveillance, disruption of religious services, confiscation of religious materials, arrest, imprisonment, torture and extra-judicial killing.

3. The situation for religious communities varies widely and individuals who are both ethnic and religious minorities and those in remote areas suffer the most severe violations. FoRB defenders are especially targeted by the authorities.

4. On 1 January 2018 Viet Nam's first ever Law on Belief and Religion came into effect. Religious communities, lawyers and activists have criticised the law for interfering in the internal affairs of religious organisations, and using vague and ambiguous language regarding 'national unity' and 'traditions', which could be used to reject or hinder registration applications.

Violations against independent religion or belief groups

5. The system of mandatory registration of religious organisations and activities remains in place. Religious groups which choose not to register with the authorities for reasons of conscience or have had their application rejected or ignored are subject to various levels of harassment, intimidation and violence. Often attacks are carried out by 'thugs' believed to be hired by local authorities to pressure unregistered groups to stop their religious activities.

6. For example, the government only recognises Cao Dao groups operating under the government-approved Cao Dao Administrative Council. Authorities routinely harass independent Cao Dao groups. According to a report by the Association to Protect Freedom of Religion, in January 2018, Cao Dai Church leader Hua Phi suffered severe health issues after being interrogated by police for several days in Lam Dong Province. After he collapsed on 29 January 2018, authorities blocked his access to medical treatment. His left leg is paralysed following his collapse.1

7. Similarly, independent Hoa Hao Buddhist groups not affiliated with the state-sponsored Hoa Hao Administrative Council suffer ongoing harassment from the authorities, including confiscation of property used for worship, intrusive surveillance and disruption of religious activities. In February 2018, authorities in An Giang Province sentenced six Hoa Hao Buddhists to between two and six years in prison for holding a peaceful demonstration after police prevented them commemorating the death of another community member.2

8. Furthermore, Thich Quang Do, leader of the Unified Buddhist Church of Vietnam (UBCV), an unregistered independent religious group, has been deprived of liberty in various forms for over 30 years. Currently being held under house arrest without charge in Thanh Minh Zen Monastery in Ho Chi Minh City, he is under constant police surveillance.3

Violations against religious and ethnic minorities

9. Religious and ethnic minorities living in remote areas of the country are particularly at risk of state-perpetrated human rights violations. Montagnard ethnic minority Catholics and Protestants in the Central Highlands of Viet Nam are subject to serious ongoing human rights violations, including pressure to recant; forced eviction;

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1 Report On Religious Freedom In Vietnam Period: 1st Quarter of 2018
https://www.facebook.com/notes/h%E1%BB%99i-b%E1%BA%A3o-v%E1%BB%87-quy%E1%BB%81n-t%E1%BB%B1-do-t%C3%B4n-gi%C3%A1o/report-on-religious-freedom-in-vietnam-period-1st-quarter-of-2018/798943186961845/

2 CSW, 'Six Vietnamese Hoa Hao Buddhists Sentenced', 12 Feb 2018,
http://www.csw.org.uk/2018/2/12/press/3839/article.htm

3 VCHR, Freedom of Religion Or Belief: State Management of Religions in Vietnam,
http://queme.org//app/uploads/2016/02/Report-VCHR-FoRB-in-Vietnam-State-management-of-religions-Feb-2016.pdf, p. 23

denial of access to public services and grants4; beatings, torture5 and sexual abuse; arbitrary detention, sometimes followed by imprisonment; threats and intimidation; disruption of religious services; being physically prevented from attending religious services; confiscation of religious materials; denial of access to education; and damage to properties used for religious services.

10. According to the Khmer Kampuchea-Krom Federation, state-sponsored Buddhist bodies interfere heavily with Khmer Krom religious activities and ensure that monks who advocate for greater religious freedom are removed and even imprisoned. The Venerable Thach Thuol has been imprisoned since 2013 for teaching Khmer in his temple school.6

11. There are also reports that Muslim and Hindu places of worship belonging to Cham ethnic communities have been used as tourist attractions, at times disrupting legitimate religious activities, while land and buildings of religious significance have been confiscated by developers with support from the authorities.

12. In January 2017, authorities in Thai Nguyen Province destroyed funeral sheds belonging to Hmong followers of Duong Van Minh (DVM), a group not recognised by the government. Police and officials also arrested and tortured seven people for two days. At a meeting with provincial authorities on 7 January 2017, high ranking officials accused DVM followers of 'opposing the party and the state', stating that the building of the funeral sheds is illegal, without reference to any legal provision.

Torture and deaths in detention

13. On 5 February 2015, Viet Nam ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). However, CSW and other human rights organisations have recorded numerous reports of torture and ill-treatment in police custody and in prison, which in some case have resulted in death.

14. Protestant church elder Hoang Van Ngai died in police custody on 17 March 2013 after opposing the authorities attempt to close his church. On 15 March 2013, he and his brother Hoang Van Pa were arrested without formal documentation. Detained in an adjacent room, Mr. Pa heard the sound of violent beating just before his brother's limp body was removed from the cell on 17 March. Photographs of Ngai's corpse show severe bruising which was not there before his detention.7

15. In May 2017, Hoa Hao Buddhist Nguyen Huu Tan died within ten hours of being taken into custody at a police detention facility in Vinh Long Province, having been detained under Article 88 of Viet Nam's Penal Code, which prohibits conducting anti-state propaganda, a charge often levelled at petitioners and activists. Despite inconsistent and contradictory claims by authorities that he had committed suicide using a letter opener, his injuries suggest he was tortured in custody.8

Detention of individuals promoting FoRB

16. Protestant pastor and human rights defender, Nguyen Trung Ton, was tried on 5 April 2018 and sentenced to 12 years in prison. In February 2017 Pastor Ton was kidnapped by state agents, stripped naked, tied, beaten and abandoned in a remote mountainous location in the middle of the night, leaving him with serious injuries. Following an appeal hearing in June 2018, his sentence was upheld.

17. Also tried on 5 April 2018 was Hoa Hao Buddhist, Nguyen Bac Truyen, a legal expert who has provided pro bono legal assistance to families of political prisoners, victims of land grabs, and persecuted religious communities. He has been sentenced to 11 years in prison. Truyen was forcibly disappeared on 30 July 2017. Prior to his detention, Truyen and his wife were physically attacked by unknown assailants on several occasions. Following an appeal hearing in June 2018, Truyen's sentence was upheld.

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4 Ethnic minorities and indigenous peoples in Vietnam are sometimes eligible for government support in the form of housing grants, rice, and small grants for "protecting the forest". Families who have converted to Christianity report having the documentation making them eligible for this assistance confiscated, on the grounds of their conversion

5 Methods of torture include beating of the face, head, legs and shoulders; being forced to adopt a stress position

6 Khmer-Krom, subsection: Religious freedom and freedom of association, http://unpo.org/members/7887, accessed May 2018

7 CSW, April 2013, Vietnam: Death in custody of Hmong Christian, Central Highlands, http://dvov.org/wp-content/uploads/2014/07/vietnamese-christian-death-in-custody.pdf

8 CSW June 2017, Vietnam: Hoa Hao Buddhist death in police custody, http://www.csw.org.uk/2017/06/21/report/3595/article.htm

18. In addition, Catholic leaders and activists have been beaten, denounced by officials, and imprisoned for organising peaceful protests following the Formosa company steel plant disaster in April 2016, which left many families with no means of livelihood. In April 2018, Catholic activist Tran Thi Xuan was sentenced to nine years in prison and five years house arrest for 'attempting to overthrow the people's government'. State media accused her of organising protests against Formosa company.

Recommendations to the government of Viet Nam:

19. ***Revise all regulations and legislation pertaining to religion to ensure they align with international standards as set out in Article 18 of the International Covenant on Civil and Political Rights (ICCPR), in consultation with religious communities and legal experts;***

20. ***Ensure that any form of registration system is optional, not mandatory, and is not used as a tool to control religious activities;***

21. ***Immediately release all prisoners of conscience detained in connection with their religion or belief, and investigate cases of wrongful imprisonment;***

22. ***Ensure that all forms of torture and ill-treatment cease immediately; guarantee that perpetrators of torture and ill-treatment, including extra-judicial killing, are held to account; legal provisions should be revised or revoked in order to comply with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);***

23. ***Protect ethnic and religious minorities from all forms of social hostility, as well as violations by state agents; cases of abuse of power by authorities should be subject to thorough, impartial investigations, and mechanisms established to deal with complaints by religious communities and individuals;***

24. ***Immediately release human rights defenders detained or imprisoned in connection with their peaceful defence of the rights of others;***

25. ***Provide a safe environment for human rights lawyers, civil society actors and human rights defenders, enabling them to carry out their work;***

26. ***Consult with genuine, independent civil society groups in Viet Nam and strongly encourage their participation in preparations for human rights related reporting, including the Universal Periodic Review (UPR) process.***

Recommendations to the International Community:

27. ***Urge Viet Nam to accept the recommendations outlined above and implement necessarily changes without delay;***

28. ***Urge Viet Nam to extend invitations to relevant UN Special Procedures, including the Special Rapporteur on freedom of religion or belief, enabling them to conduct unhindered human rights investigations.***